DOCUMENT RESUME

ED 142 250 JC 770 381

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TITLE Collective Bargaining and the Community College.
PUB DATE Mar 77
NOTE 32p.

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *Collective Bargaining; College Faculty; Community Colleges; *Educational History; Information Needs; *Junior Colleges; Professional Recognition; Teacher Attitudes; Unions
IDENTIFIERS Florida

ABSTRACT

In a brief overview, unionism is traced from the earliest craft unions through the formation of the National Labor Relations Board in 1938. Private and public sectors are then examined separately with the legislation related to them, including that directly affecting public employees in Florida. Factors causing collective bargaining in education are discussed, as well as fears related to its effect on higher education. The community college trends toward unionization are explained by (1) the lack of an academic tradition, (2) a predominance of secondary school teachers in the system who are used to unionization, (3) personnel policies similar to the secondary system, especially in the area of salaries, (4) the lack of a clear definition of faculty, and (5) the lack of professional mobility for faculty. The marketplace, professional, and problem-solving approaches to bargaining are defined and discussed. The author concludes that community colleges need to correct any anti-administration feelings held by faculty members, help faculty view bargaining as a dynamic concept that can include innovation, and provide adequate bargaining information to the faculty and administration. (RT)

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COLLECTIVE BARGAINING AND THE COMMUNITY COLLEGE

by

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March, 1977

JC 770 387

INTRODUCTION

Collective bargaining is not a new phenomenon of this nation. Social, economic, and cultural pressures have provided the milieu into which negotiations and negotiated contracts could become the popular forum for the determination of terms and conditions of employment. This is illustrated best by the fact that as long ago as four decades, collective bargaining, as the system for conducting labor-management relations, was recognized within the American legal system. However, only during the recently past decade of the 60's has the concept of collective negotiation been introduced into the educational scene.

Collective bargaining has been defined as:

> A specific means by which persons identified with a particular enterprise, separated into management and labor components, are enabled in a highly formalistic way, to discuss certain issues that lie between them, to reach binding agreement on how to handle these issues, and then to be governed by that agreement in the work relationship for a fixed period.[1]

This rather classic definition, which designates a specific process molded by the historical perspective and limited by law, is not really suitable for implementation in the educational sector. For the collective bargaining agreement has been viewed historically as a "contract that is binding and inflexible rather than as a tool

for facilitating the relationships of the parties."[2]

The purpose of this paper is to review, in a very generalized way, the collective bargaining process as it relates to the community college. The study will provide a brief history of unionism in America and within education. Answers will be sought to such questions as: How does collective bargaining affect the attitudes of faculty members of community colleges? Does collective bargaining produce barriers to innovative programming at community colleges? and What possible alternatives to collective negotiations may be available for effective governance?

PART I

COLLECTIVE BARGAINING: A PERSPECTIVE

Overview of Collective Bargaining

The first appearance of unionism in the United States occurred as far back as the seventeenth century. Organized in the form of craft guilds, these workmen combined in themselves the functions of laborer, master, and merchant. The purpose of this organization was to license or limit the number of legal craftsmen, to control the quality of work, and to maintain a customary level of prices.[3] Only after a well-defined separation of the employer and labor functions did unionism, as we know it, begin to appear.

During the close of the eighteenth century and the beginning of the nineteenth century, local craft unions, chiefly among such crafts as printers, cordwainers, bakers, shipwrights, and carpenters appeared.[4] These unions grew out of conditions and problems encountered by members. The employers sought to maintain wages and hours at levels providing the greatest margin of profit. The unions, on the other hand, attempted to regulate wages and hours through their union group.

Hoxie states that the first local craft unions to be organized in this country included: the Philadelphia Carpenters, 1791; the Philadelphia Federal Society of Journeymen Cordwainers, 1794; the Typographical Society of New York, 1794; the Baltimore Tailors, 1795; and the Baltimore Typographical Society, 1803.[5] As evidenced by Hoxie's list, no national organizations existed in these early days, even though there is evidence that local unions probably corresponded with each other regarding common problems and matters of common interest.

The advent of broad industrialization in the 1890's introduced a new era into the union movement. For now unions were established not only for the skilled but also for the unskilled worker. Hoxie characterizes four classes of unions.

> Craft unions tend to be businesslike, selfish, nonidealistic, nonpolitical, nondemocratic; trade unions tend to be group-conscious and political; labor unions tend to be idealistic, moralistic, theoretical, political, but nondemocratic; industrial unions tend to be class-conscious, socialistic, and theoretical.[6]

Collective Bargaining in The Private Sector

Collective negotiations, as we know them, had their beginnings with the Norris-LaGuardia Act of 1932. This act, which covered employees in interstate commerce and gave workers the right to bargain collectively through their own selected representa-

tives, is considered as the first major piece of federal legislation on collective bargaining.[7] The significance of this legislation is found in its shift in public policy from discouragement and repression to encouragement of and support for the right to collective negotiations.

The most formidable and far-reaching piece of legislation to be introduced was the National Labor Relations Act of 1935. Sometimes called the Wagner Act, it provided for the creation of a board known as the National Labor Relations Board, to enforce the provisions of the act. The Board was empowered to perform two basic functions: to hear and render decisions on unfair labor practices, and, to determine proper representation.[8]

Two additional pieces of legislation are important to a background understanding of collective bargaining. The first is the Labor Management Relations Act of 1947, commonly called the Taft-Hartley Act. This act identified a number of unfair labor practices on the part of employees and provided for protection of employee rights from union coercion.[9] The second is the Landrum-Griffin Act of 1957, which provided for the regulation of the conduct of union meetings, elections, and fund-raising, and required detailed union reporting and the submission of copies of union constitutions and by-laws.[10]

A study of the 1974 Handbook of Labor Statistics reveals a gradual, but slow growth in private sector unionism. This source reveals that in 1956 total union membership was just over 18 million and grew to nearly 21 million by 1972, indicating a rate of growth of 13.12 per cent. During the same period private sector union membership increased only 6.5 per cent. On the other hand, public sector union membership increased by almost 63 per cent. Thus we begin to see the rise in public sector unionism and its growth effects on total union membership.[11]

Table 1

Growth of Union Membership
From 1956 to 1972

Union	1956 Membership	% of Total	1972 Membership	% of Total	% of Growth 1956-72
All Unions	18,104,000	100.0	20,838,000	100.0	13.1
Private Sector	17,189,000	94.9	18,378,000	88.2	6.5
Public Sector	915,000	5.1	2,460,000	11.8	62.8

In summary, private and industrial collective bargaining is controlled in large measure today by federal laws which consist of complex statutory provisions, administrative rulings, and court decisions. And much of the confusion within modern, industrial

labor-management relations arises from a lack of understanding, by the principals involved, of the myriad of federal statutes and court interpretations that bear upon that relationship.

Collective Bargaining in The Public Sector

In 1962, President John F. Kennedy issued an Executive Order laying the foundation for collective bargaining by public employees. This order provided federal employees with the right to join unions and to negotiate with the governmental agencies for which they worked.[12] This order also provided certain limitations on negotiations as well as maintaining the rights of the agency management in hiring, promotion, transfers, and other such personnel actions. And as a result of this order, state and local governments were motivated to provide legislation which permitted state and local employees to join labor unions and negotiate collectively for terms and conditions of employment.[13]

One other action furthered the development of public employee bargaining. This was the Executive Order issued by President Richard M. Nixon in 1969, which provided for the establishment of a federal Labor Council. This Council was established to administer and interpret the order and to make recommendations to the President. The order maintained the rights of both management and employees, while determining unfair labor practices for labor

organization management.[14]

Public Employee Collective Bargaining in Florida

The scene was set, then, as a result of these orders, for the states to pass legislation allowing collective negotiations within the public sector. During the 1974 session of the Florida Legislature, landmark legislation, in the form of the Public Employees Relations Act, was enacted into law. This law came about as a result of a revised State Constitution passed in 1968, which guaranteed public employees the right to negotiate collectively with their state agency employer. After a number of delays, the Florida Legislature passed the bill after the Supreme Court of the State of Florida threatened to enact rules under the 1968 Constitutional provision. As a result of this legislation, the Public Employees Relations Commission was established to develop regulations and determine outcomes of disputes and problems arising from the bargaining process on the local level.

PART II

COLLECTIVE BARGAINING IN EDUCATION

Thorstein Veblen, writing in 1918, said:

> Professors refuse to join unions or engage in collective bargaining because of a feeling prevalent among them that their salaries are not of the nature of wages, and that there would be species of moral obliquity implied in overtly so dealing with the matter.[15]

How far we have come from Veblen's point of view to that of the 1960's and 1970's.

Collective bargaining in higher education is generally marked from the unionization, in 1963, of the Milwaukee Technical Institute, a two-year public institution organized by a local faculty organization.[16] However, the passage in 1967 of the Taylor Law in New York State brought the first formal recognition of collective bargaining for public employees. This act gave all public employees, including university faculty members, the right to negotiate collectively on terms and conditions of employment.[17] However, it was not until 1969 that collective bargaining became a reality with the signing of an agreement between City University of New York and its instructional staff.[18] The next major move of national import was in 1970 when the National Labor Relations Board extended its regulatory jurisdiction to private institutions, thereby making

collective bargaining available to faculties of private institutions of higher education.[19] By November of 1973, 212 institutions of higher education covering 313 campuses were governed by collective bargaining contracts.[20]

One point of clarification may be required at this point. The reader may feel, as a result of the previous information, that collective bargaining is generally available to all faculties and that it is regulated nationally. This is not true. With very few exceptions, faculty collective bargaining at private institutions is under the control of federal laws, whereas at public institutions it is controlled by state statute. Therefore, the right to bargain collectively is available to the faculties of all private institutions except those which fall below the jurisdictional level of the National Labor Relations Board. Collective bargaining is available to faculties of public institutions only if the public employment laws of the individual states are deemed applicable to faculties.[21]

The question naturally arises: Why have higher educational faculties felt the need to organize and seek union contracts for terms and conditions of employment and thereby change the present governance structure of higher education? Joseph W. Garbarino lists two causative factors influencing faculties toward collective

bargaining. The first is the desire of professionals to control as a group the conditions under which they exercise their personal skills. The second is the effect of large and complex organizational bureaucracies which tend to depersonalize and rationalize employee-employer relationships.[22] When seen in perspective, therefore, faculty members view the collective bargaining agreement as a binding and inflexible means of governing the terms of employment, rather than as a tool for facilitating the relationship of the faculty and administration.[23]

Other such factors contributing to the rise of collective bargaining on the part of college and university faculties have been the significant gains on the part of students in power and authority.[24] Students have sought and gained representation on important committees, voting privileges on policy recommendations, and "agenda time" at the meeting of college and university governing boards. Therefore, this gain in student power has appeared as a threat to the participatory governance of faculty members.

Another factor has been the mystical managerial jargon which some administrators have used to confuse and confound.[25] The language used by administrators has often been unclear and hedgy -- used to frustrate, albeit, unconsciously, the faculty mem-

ber. And, indeed, that faculty member has become frustrated and sought to become more knowledgeable and influential through the rigidity of collective negotiations. He has felt that, through this process, the administration becomes accountable to others than just faculty members. Therefore, managerial jargon must be discarded in favor of managerial terminology that communicates clearly.

In a case study reported by Royster Hedgepeth, faculties evidenced a distrust of administrative staff personnel and vice versa under non-collective bargaining conditions. This seems to have been a continuing problem. However, from this study, respondents indicated that collective bargaining has "extended and intensified" the conditions existing prior to collective negotiations. Additionally, collective bargaining has brought about an erosion of mutual trust and an increase in the difficulty of leadership at the departmental level.[26]

In another study reported by Philip Semas, faculty members and administrators were surveyed regarding the effects of collective bargaining on institutions of higher education. Seven fears were listed:

> 1. That collective bargaining will destroy the traditional ways of running universities -- "shared authority" between faculty and administration that is much prized by academicians.

2. That collective bargaining will transform professors and administrators from friendly colleagues into contentious adversaries.

3. That Boards of Trustees, faced with negotiating formal contracts, will reassert their legal powers over such areas as curriculum and faculty hiring, promotion and tenure -- powers they have been willing to delegate informally to faculties.

4. That college administrators and boards will demand the same "management rights" to run their universities as corporate executives have to run their businesses.

5. That the real power of admission to the professorate exercised in decisions on hiring, promotion and tenure will pass from scholars in the academic departments to outside labor arbitrators.

6. That collective bargaining will so entrench a college's existing faculty that the institution will be unable to innovate, to adapt to changing clienteles, or to upgrade itself.

7. That collective bargaining will transform the college professor from an independent professional into some kind of academic assembly-line worker.[27]

Collective bargaining is here to stay for higher education. Emotions run high and evaluations of its effectiveness are mixed. However, it seems reasonable to assume with Kaufman and Flanary that "the affiliation of academics with the trade union movement will identify more with equality than with excellence."[28]

PART III

COLLECTIVE BARGAINING IN THE COMMUNITY COLLEGE

The Carnegie Commission (1973) reported that sentiment for unionization was strongest in the community colleges. For example, in 1972, although community colleges accounted for less than one-sixth of the faculty in one-third of the institutions, three-fourths of the personnel covered by collective bargaining agreements were in the community colleges.[29] Recent reports tend to confirm the continuation of this trend.

As reported by the Academic Collective Bargaining Information Service, in February of 1976, a total of 481 institutions had voted in favor of union representation. Of these, 308 or 63 per cent were of the two-year variety, leaving 37 per cent in the four-year institutional category.[30]

Table 2

College Faculties with Bargaining Agents

Agents	Public		Private		Total		All
	4-Yr.	2-Yr.	4-Yr.	2-Yr.	4-Yr.	2-Yr.	
Unions	121	295	55	10	176	305	481

The Carnegie Commission further outlined six major concerns from which collective bargaining stems.

-- Faculty salaries are rising slowly; real income, in some instances has actually been reduced.
-- Budgetary support for faculty interests is much harder to obtain.
-- More efforts are being made to control conditions of employment such as workload.
-- Students have intruded into what was once faculty preserves for decision making.
-- External authorities, outside the reach of faculty influence, are making more of the decisions that affect the campus and the faculty.
-- Policies on promotion and tenure are more of an issue as the rate of growth of higher education slows down and women and minority groups compete more actively for such opportunities as exist.[31]

Community colleges seem to share five characteristics which are not common to other institutions. And these characteristics or differences appear to motivate a large proportion of community college faculties toward collective bargaining.

The first characteristic is the general lack of academic tradition.[32] The rapid rise in the number of community colleges has prevented the opportunities for the establishment of traditions which come to institutions with years of experience. For many community colleges, traditions of faculty governance and other related relationships simply have not had sufficient time to evolve. As a result, there is often an attempt to process all institutional

problems at the bargaining table. However, the approach simply does not work. For "unprocessed grievances, curriculum development problems, and other policy problems have to be sorted out and reduced to manageable proportions before much progress can be made."[33]

The second characteristic is the overabundance of secondary school teachers in community colleges.[34] This means that many community college faculties have already been exposed to active unionism by the time they reach the community college faculty level, and they bring with them a tendency toward collectivization.

The third characteristic is the personnel policies of the community colleges which are often patterned after the secondary school system, especially as they relate to salary schedules.[35] The approach of many governing boards on such matters has been similar to that of local school boards, and this ineptitude and unfairness has prompted such faculties to seek collective negotiations.[36]

The fourth characteristic is the lack of a clear, working definition of a community college faculty.[37] These individuals are not quite sure where they fit since, in some cases, they are in K-14 systems and in other cases are snubbed by the faculties of four-year and upper-division institutions. And the public attitude

has not helped, since the public has often thought of community college faculty as being part of institutions created for the less competent student.

The fifth characteristic is the relative lack of professional mobility among community college faculty.[38] For most community college faculty members, the opportunity for advancement appears in a move to a four-year or upper-division institution, or a lateral academic move within the community college, or a move into administration. Since the first option is exercised far less often than the other two, community college faculty usually see their identities and careers in connection with a single institution.[39]

As a result of these differences or characteristics, community colleges have tended to accept collective bargaining more readily than the four-year institutions. Blackburn has said that "traditionally, faculty of two-year colleges have had virtually no say in most of the essential policy decisions of their institutions."[40] And in an attempt to determine the effects of collective bargaining on these two-year colleges, Blackburn concluded that faculty participation in the governance of institutions has been significantly advanced as a result of collective bargaining.[41]

The collective bargaining process manifests itself in three

approaches. These approaches, in fact, appear to be the only difference among community colleges in the process of collective bargaining. These approaches are: (1) the marketplace, where the teacher sells his services to the board as buyer of those services; (2) the professional approach in which teachers participate in the decision-making processes which affect educational quality; (3) the problem-solving approach in which boards and teachers together seek the solutions to educational problems.[42]

Though all three approaches are utilized in many community colleges throughout our nation, the professional approach seems to emerge as the one most consistent with educational excellence and quality. For in this approach, those who are responsible for carrying out educational policy are empowered, through participatory democracy, to help formulate that policy. As a result, faculty and administration react as a unity to achieve the mission of the institution. And because the faculty has been allowed to participate in the formulation of educational policy, they are more deeply committed to its observance.

Traditionally, the community college has exhibited a form of "participatory democracy" in which both faculty and administration are involved, but the final decisions are made by either the col-

lege administration or by the Board of Trustees.[43] However, a new day seems to have dawned on the community college. For we have entered into a period of tremendous flux and the general outlook is not all positive. Faculties are now seeking a greater share of the authority. For in the "shared authority" concept, all parties must come to common agreement before final decisions are rendered.[44] So enters collective bargaining.

In the collective bargaining process, a greater formalization of the faculty-administration relationship is established. It is rather stifling at times, but because of its formal, written nature, it is reliable. The principle of exclusivity requires that the administration talk only with the certified bargaining agent on the issues outlined by the terms of the contract. Conversely, the agent tries to represent the views of his organization. The faculty, thusly, participates through its certified agent in the decision-making process of the community college.[45]

This pattern of decision making in community colleges inevitably reveals a conflict between demands for flexibility and goals of standardization. And because innovative programming may sometimes collide with a master agreement and accompanying bargaining arrangements,[46] faculty unions become highly conservative

forces and powerful advocates of the status quo.[47]

What then are the alternatives to collective bargaining? The only real alternative to the collective negotiations process would be for institutions to recognize the internal representative bodies of the faculty (faculty senate) as "bargaining agents," not for the purpose of formalizing a written, master agreement, but for the purpose of implementing the principle of "shared authority." For the faculty must feel thet they have real power and can share in the final decision on matters that affect them and the educational policies of their institutions.[48]

What of the future of collective bargaining in the community college? What impact will it have in the future? Terrence Tice has spoken to this point well:

> It is difficult to forecast whether bargaining at the community college level will mature with future years. Given the nature of personnel involved, turnover on both sides of the bargaining table, and the relative growth of the institutional setting, substantial time may be required. As the community college becomes a more stable institution, the pressure on the bargaining process may ease so that the parties will be able to develop more appropriate forums for solving problems that presently clutter up that process. Such problems will be readily solved if laid alongside an effective process designed to bring about agreements on wages and related terms and conditions of employment.[49]

CONCLUSION

In this paper, I have looked at the rise of unionism in the private sector, its spread to the public sector, its relation to education, and its impact on the community college. In this conclusion, I wish to emphasize three major points.

The first is that community colleges involved in collective bargaining should correct any anti-administration feeling on the part of the faculty. Community college administrators must communicate better with members of the faculty and seek to correct any misunderstandings which might exist and discover problems which might be corrected.

The second emphasis is that faculty members must be aware of a need to "change with the times." Innovation must not be stifled by the rigidity of negotiated contracts and the needs of the community must not go unmet as a result of faculty-administration conflict. Collective bargaining must be recognized as a dynamic rather than a static concept, and that it can and must be shaped by the needs of its participants, yes, even all the constituencies involved in and affected by the process.

The final emphasis is that the community college must provide adequate collective bargaining information to faculty members and administrators alike. One of the most widespread problems

is that knowledge of collective bargaining on the part of faculty members and administration is very poor. With adequate information, an atmosphere for free and open discussion of collective bargaining will be provided and decisions based on a clear understanding will be made.

FOOTNOTES

[1]Robert K. Carr and Daniel K. Van Eyck, Collective Bargaining Comes to the Campus (Washington: American Council on Education, 1973), p. 3.

[2]Royster C. Hedgepeth, "Consequences of Collective Bargaining in Higher Education," Journal of Higher Education, XLV (December, 1974), p. 701.

[3]Robert Franklin Hoxie, Trade Unionism in the United States (New York: D. Appleton and Company, 1917), p. 78.

[4]Ibid.

[5]Ibid., p. 82.

[6]Ibid., p. 88.

[7]Arthur A. Sloane and Fred Whitney, Labor Relations (Englewood Cliffs, N. J.: Prentice-Hall, 1967), p. 87.

[8]Benjamin J. Taylor and Fred Whitney, Labor Relations Law (Englewood Cliffs, N. J.: Prentice-Hall, 1971), p. 188.

[9]Ibid., p. 204.

[10]Robert F. Koretz and Bernard Schwartz, Statutory History of the United States Labor Organizations (New York: Chelsea House, 1970), p. 683.

[11]U. S. Department of Labor, Handbook of Labor Statistics, 1974, Bulletin 1825 (Washington: Bureau of Labor Statistics, 1974), p. 392.

[12]Carr and VanEyck, op. cit., p. 7.

[13]A. Douglas Worley, "A Study of Faculty Collective Bargaining Activity in Florida Community Colleges: The First Year (1974-1975)." A doctoral dissertation, Nova University, 1975, p. 7.

[14]Ibid.

[15]Thorstein Veblen, Higher Learning in America (New York: B. W. Huebsch, 1918), p. 162.

[16]Fred E. Crossland, "Will the Academy Survive Unionization," Change, VIII (February, 1976), p. 39.

[17]Hedgepeth, op. cit., p. 694.

[18]Ibid., p. 691.

[19]Robert A. Gorman and Matthew Finkin, "State Bargaining Legislation," AAUP Bulletin, LX (September, 1974), p. 331.

[20]Hedgepeth, op. cit., p. 692.

[21]Carr and Van Eyck, op. cit., p. 8.

[22]E. D. Duryea, Robert S. Fisk and Associates, Faculty Unions and Collective Bargaining (San Francisco: Jossey-Bass Publishers, 1973), p. 2.

[23]Hedgepeth, op. cit.

[24]John F. Eibl, "Academic Collective Bargaining: Through the Illinois Looking Glass," ERIC ED122 698, April, 1975, p. 8.

[25]Ibid., p. 9.

[26]Hedgepeth, op. cit., p. 698-699.

[27]Philip W. Semas, "Faculties at the Bargaining Table," The Chronicle of Higher Education, VIII (November 26, 1973), p. 9.

[28]Jacob J. Kaufman and Patricia E. Flanary, "The Effect of Collective Bargaining on the Issue of Excellence or Equality in Higher Education," ERIC, ED 121 232, September, 1975, p. 9.

[29]Terrence N. Tice, Faculty Power: Collective Bargaining on Campus (Ann Arbor, Michigan: The Institute for Continuing Legal Education, 1972), p. 99.

[30]Edward P. Kelley, Jr., Academic Collective Bargaining Information Service, Special Report Number 12 Update, February, 1976, p. 11.

[31]The Carnegie Commission on Higher Education, "Collective Bargaining and Faculty Power," Governance of Higher Education: Six Priority Problems (New York: McGraw-Hill Book Company, 1973), p. 10-11.

[32]Tice, op. cit., p. 67.

[33]Terrence N. Tice, Faculty Bargaining in the Seventies (Ann Arbor, Michigan: The Institute for Continuing Legal Education, 1973), p. 134.

[34]Tice, Faculty Power, op. cit., p. 67.

[35]Ibid.

[36]Ibid.

[37]Ibid., p. 68.

[38]Ibid.

[39]Ibid.

[40]Ibid., p. 123.

[41]Ibid.

[42]Myron Lieberman and Michael H. Moskow, Collective Negotiations for Teachers: An Approach to School Administration (Chicago: Rand-McNally, 1966), p. 7-10.

[43]Joseph N. Hankins and G. W. Angell, "Collective Bargaining in Junior Colleges," ERIC, ED 070 437, October 27, 1972, p. 2.

[44] Ibid.

[45] Tice, Faculty Power, op. cit., p. 126.

[46] Ibid., p. 69.

[47] Ibid., p. 122.

[48] Hankins and Angell, op. cit., p. 4.

[49] Tice, Faculty Bargaining, op. cit., p. 142.

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